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EXAMINER	
VAN DOREN, BETH	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/620,771	Applicant(s) MEREDITH ET AL.	
	Examiner Beth Van Doren	Art Unit 3623	4

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 December 2003*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-52* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-52* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

1. The following is a Final Office Action in response to communications received 12/18/03. Claims 40, 42, 46, and 48 have been amended. Claims 41 and 47 have been canceled. Claims 1-52 are now pending in this application.

Response to Amendment

2. Applicant's amendment to the abstract is sufficient to overcome the specification objection set forth in the previous office action.

3. Examiner withdraws the 35 USC § 112, second paragraph, rejections of claims 8, 43, and 50.

Response to Arguments

4. Applicant's arguments with regards to the rejections based on Srinivasan (U.S. 5,548,506) have been fully considered but they are not persuasive. In the remarks, Applicant argues that Srinivasan fails to teach or suggest (1) a latency attribute, as disclosed in the specification, and comparing this latency attribute with a latency threshold, (2) selectively compensating a first action based upon abortion of a second action, in particular compensating for abortion or failure of actions, or (3) determining the relationship of an action and a transaction based on the transaction boundary, determining the state of the transaction, and performing an operation according to the compensation routine associated with the transaction if an action state is aborted, and (4) that Srinivasan teaches away from the claimed method of dealing with the data locking problem.

In response to argument (1) of the Applicant, Examiner reminds the applicant that although the claims are interpreted in light of the specification, limitations from the specification

are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The term latency attribute is therefore considered based on the broadest reasonable interpretation of the recitation of the claims. Srinivasan teaches that each task has a start and finish time, as calculated automatically by the system. Each task a latency attribute associated with it that is a time attribute representing status of the task (pending, completed, etc.). This attribute is compared against a latency threshold (i.e. a reminder window) to determine if it is time to send out a reminder to the team member responsible for the task. See figure 6. These attributes and thresholds satisfy the term "latency" because they are present and have the potential to cause action with every task, but are normally inactive. See at least column 2, lines 60-67, column 3, lines 5-18, column 5, lines 45-51, column 6, lines 3-15, column 7, lines 15-21 and 55-61.

In response to argument (2) of the Applicant, Examiner respectfully disagrees. Examiner first points out that the terms "abortion" and "aborted" and not the term failure are present in the pending claims. Srinivasan discloses that a first action is compensated when a second action ends by updating the time element of the first action, the costs of the first action, etc. in order to ensure that the overall project ends in time, on budget, etc. compensating a first action based upon abortion of a second action in at least column 3, lines 10-32, column 5, lines 23-39 and 55-67, column 6, lines 1-6, column 7, lines 55-67, and column 8, lines 1-5, wherein the actions are balanced based on their priorities, the total resources of the system, and the status (completion or ending, usage, etc.) of other actions. Therefore, Srinivasan does teach and suggest this element.

In response to argument (3) of the Applicant, Examiner respectfully disagrees. First, Srinivasan discloses determining the relationship of the action and the transaction based on a

transaction boundary in at least figure 9, column 3, lines 10-32, column 5, lines 19-39, 45-50, and 55-67, column 6, lines 1-17, column 7, lines 1-4 and 55-67, and column 8, lines 1-5, wherein the action (i.e. task) has a relationship with the overall operation (i.e. transaction), this link being based on the resource usage boundaries for each task based on the available resources of the overall operation (transaction boundaries). Second, Srinivasan does disclose determining the state of the transaction when it updates the resource usage and time elements of the overall transaction once an action has ended. If an action of the system has not yet ended, then the system would update based on the status of the pending action. See at least figures 6, 8, and 9. Finally, Srinivasan does disclose performing an operation according to the compensation routine associated with the transaction if an action state is aborted when it discloses balancing between the actions (or tasks) of the overall operation (or transaction) based on the actions priorities, the transaction boundary (i.e. total resources), and the status (completion, usage, etc.) of other actions.

In response to argument (4) of the Applicant, it is noted that the feature upon which applicant relies (i.e., dealing with the data locking problem) is not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Therefore, Examiner maintains that Srinivasan does teach and suggest the limitations recited in the claims.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 7-15, 17-23, 25-36, 38-40, 42-43, 45-46, and 48-52 are rejected under 35 U.S.C. 102(b) as being anticipated by Srinivasan (U.S. 5,548,506).

6. As per claim 1, Srinivasan teaches a method of processing an action within a schedule and having a latency attribute associated therewith, comprising:

initiating the action (See at least column 2, lines 60-67, column 3, lines 20-32, column 5, lines 20-40 and 53-64, column 6, lines 4-9, column 7, lines 60-67, and column 8, lines 5-15, wherein a schedule with tasks is stored and action associated with a task is initiated);

comparing the latency attribute with a latency threshold (See at least column 2, lines 60-67, column 3, lines 5-18, column 5, lines 45-51, column 6, lines 3-15, column 7, lines 15-21 and 55-61, wherein a time attribute of the task is compared with the a default threshold associated with the task to determine the status of the task and if reminders should be sent);

selectively storing data associated with a schedule in a storage medium based on the latency comparison (See at least column 3, lines 20-32, column 5, lines 19-40, 45-50, and 62-63, column 6, lines 4-17, column 7, lines 1-4 and 55-67, which disclose storing data associated with the schedule of the project, including updates, in the database based on the latency comparison).

7. As per claim 2, Srinivasan teaches a method further comprising creating an association between the stored data and a signal (See at least column 3, lines 20-32, column 5, lines 19-40, 45-50, and 62-63, column 6, lines 4-17, column 7, lines 1-4 and 55-67, wherein an update is an associated signal to store the data).

8. As per claim 3, Srinivasan discloses a method further comprising suspending execution of the schedule based on the latency comparison (See column 3, lines 14-32, column 5, lines 62-67, column 6, lines 1-15, column 7, lines 1-3 and 55-67, and column 8, lines 1-5, wherein the latency comparison results in the determination of progress of the action of tasks, which would result in the pausing of the action of tasks and the associated schedule as new completion deadlines are set).

9. As per claim 4, Srinivasan teaches a method further comprising selectively de-allocating resources associated with the schedule after suspending execution of the schedule (See column 3, lines 14-32, column 5, lines 62-67, column 6, lines 1-15, column 7, lines 1-3 and 55-67, and column 8, lines 1-5, wherein resources are de-allocated from one task and put with another).

10. As per claim 5, Srinivasan discloses a method further comprising selectively resuming execution of the schedule based on the signal (See at least column 3, lines 20-32, column 5, lines 19-40, 45-50, and 62-63, column 6, lines 4-17, column 7, lines 1-4 and 55-67, wherein an update is an associated signal and resumes execution of the schedule with the updated information).

11. As per claim 7, Srinivasan discloses a method further comprising adjusting the latency attribute (See at least figure 9, column 3, lines 10-32, column 5, lines 23-39 and 55-67, column 6, lines 1-6, column 7, lines 55-67, and column 8, lines 1-5, wherein the latency attribute is adjusted when the schedule is recomputed as the actions are completed).

12. As per claim 8, Srinivasan discloses a method wherein the adjusting is related to the actual latency for completion of the action (See at least figure 9, column 3, lines 10-32, column 5, lines 23-39 and 55-67, column 6, lines 1-6, column 7, lines 55-67, wherein the adjusting is related to information about the actual latency for completion of other actions in the schedule).

13. As per claim 9, Srinivasan discloses a method wherein the data comprises schedule state information (See at least column 3, lines 20-32, column 5, lines 19-40, 45-50, and 62-63, column 6, lines 4-17, and column 7, lines 1-4 and 55-67, which disclose storing data associated with the state of the tasks the project).

14. As per claim 10, Srinivasan discloses a method further comprising adjusting the latency threshold based on a variable (See at least figure 9, column 3, lines 10-32, column 5, lines 23-39 and 55-67, column 6, lines 1-6, column 7, lines 55-67, and column 8, lines 1-5, wherein the latency threshold is adjusted when the schedule is recomputed as the actions are completed).

15. As per claim 11, Srinivasan discloses a method of executing a schedule, the schedule comprising a schedule state, at least one transaction having an action associated therewith, the action having a latency attribute associated therewith, the method comprising:

initiating the action according to the schedule (See at least column 2, lines 60-67, column 3, lines 20-32, column 5, lines 20-40 and 53-64, column 6, lines 4-9, column 7, lines 60-67, and column 8, lines 5-15, wherein a schedule with tasks is stored and action associated with a task is initiated);

comparing the latency attribute with a latency threshold (See at least column 2, lines 60-67, column 3, lines 5-18, column 5, lines 45-51, column 6, lines 3-15, column 7, lines 15-21 and 55-61, wherein a time attribute of the task is compared with the a default threshold associated with the task to determine the status of the task and if reminders should be sent) ;

selectively storing the schedule state in a storage medium based on the latency comparison (See at least column 3, lines 20-32, column 5, lines 19-40, 45-50, and 62-63, column 6, lines 4-17, column 7, lines 1-4 and 55-67, which disclose storing data associated with

the schedule of the project and its state, including updates, in the database based on the latency comparison).

16. As per claim 12, Srinivasan teaches a method further comprising creating an association between the stored schedule state and a signal (See at least column 3, lines 20-32, column 5, lines 19-40, 45-50, and 62-63, column 6, lines 4-17, column 7, lines 1-4 and 55-67, wherein an update is an associated signal to store the data).

17. As per claim 13, Srinivasan teaches a method further comprising suspending execution of the schedule based on the latency comparison (See column 3, lines 14-32, column 5, lines 62-67, column 6, lines 1-15, column 7, lines 1-3 and 55-67, and column 8, lines 1-5, wherein the latency comparison results in the determination of progress of the action of tasks, which would result in the pausing of the action of tasks and the associated schedule as new completion deadlines are set).

18. As per claim 14, Srinivasan teaches a method further comprising selectively de-allocating resources associated with the schedule after storing the schedule state in the storage medium (See column 3, lines 14-32, column 5, lines 62-67, column 6, lines 1-15, column 7, lines 1-3 and 55-67, and column 8, lines 1-5, wherein resources are de-allocated from one task and put with another).

19. As per claim 15, teaches a method further comprising selectively resuming execution of the schedule based on the signal (See at least column 3, lines 20-32, column 5, lines 19-40, 45-50, and 62-63, column 6, lines 4-17, column 7, lines 1-4 and 55-67, wherein an update is an associated signal and resumes execution of the schedule with the updated information).

20. As per claim 17, Srinivasan teaches a method wherein the schedule includes a plurality of actions and at least one of the actions has an associated latency attribute (See at least column 2, lines 60-67, column 3, lines 5-32, column 5, lines 20-40 and 45-51, column 6, lines 3-15, column 7, lines 15-21 and 55-67, and column 8, lines 5-15, wherein the schedule has a plurality of tasks with actions and each has an associated latency attribute).

21. As per claim 18, Srinivasan teaches a method wherein the latency attribute represents an estimated latency for completion of the associated action (See at least column 2, lines 60-67, column 3, lines 5-18, column 5, lines 45-51, column 6, lines 3-15, column 7, lines 15-21 and 55-61, wherein the latency attribute of the action of the task represents estimated time underlying the action that it should take to receive an update, at which point when no update is received a reminder is sent out).

22. As per claim 19, Srinivasan teaches a method further comprising adjusting at least one of the latency attributes according to a variable (See at least figure 9, column 3, lines 10-32, column 5, lines 23-39 and 55-67, column 6, lines 1-6, column 7, lines 55-67, and column 8, lines 1-5, wherein the latency attribute is adjusted when the schedule is recomputed as the actions are completed).

23. As per claim 20, Srinivasan teaches a method wherein the variable is related to an actual latency for completion of the associated action (See at least figure 9, column 3, lines 10-32, column 5, lines 23-39 and 55-67, column 6, lines 1-6, column 7, lines 55-67, wherein the variable is related to information about the actual latency for completion of other actions in the schedule).

24. As per claim 21, Srinivasan teaches a method wherein the latency attributes have a class associated therewith, and wherein the class indicates a group of actions (See at least column 2, lines 60-67, column 3, lines 5-18, column 5, lines 45-51, column 6, lines 3-15, column 7, lines 15-21 and 55-61, wherein the latency attributes have a group associated with them based on the schedule file they are stored with, this group being composed of a set of actions (a plurality of tasks with actions)).

25. As per claim 22, Srinivasan teaches a method further comprising providing a plurality of latency thresholds, wherein each latency threshold has a class associated therewith, and selectively comparing a latency attribute with a latency threshold having the same class upon initiating the action associated with the latency attribute (See at least column 2, lines 60-67, column 3, lines 5-18, column 5, lines 45-51, column 6, lines 3-15, column 7, lines 15-21 and 55-61, wherein latency thresholds are set associated with the group of actions and tasks of the schedule, wherein the latency attributes are compared to the default latency threshold windows of the schedule project file).

26. As per claim 23, Srinivasan teaches a method further comprising adjusting at least one of the latency thresholds based on a variable (See at least figure 9, column 3, lines 10-32, column 5, lines 23-39 and 55-67, column 6, lines 1-6, column 7, lines 55-67, and column 8, lines 1-5, wherein the latency threshold is adjusted when the schedule is recomputed as the actions are completed).

27. As per claim 25, Srinivasan teaches a method further comprising adjusting the latency threshold based on a variable (See at least figure 9, column 3, lines 10-32, column 5, lines 23-39

and 55-67, column 6, lines 1-6, column 7, lines 55-67, and column 8, lines 1-5, wherein the latency threshold is adjusted when the schedule is recomputed as the actions are completed).

28. As per claim 26, Srinivasan teaches a method further comprising selectively storing the schedule state in a database schema based on the latency comparison (See at least column 3, lines 20-32, column 5, lines 19-40, 45-50, and 62-63, column 6, lines 4-17, column 7, lines 1-4 and 55-67, which disclose storing data in a database associated with the schedule of the project and its state, including updates, in the database based on the latency comparison).

29. As per claim 27, Srinivasan teaches a method wherein the schedule state comprises a schedule location and active data (See at least column 3, lines 20-32, column 5, lines 19-40, 45-50, and 62-63, column 6, lines 4-17, column 7, lines 1-4 and 55-67, wherein the schedule state comprises a location of the file of the schedule and active data of the status of the schedule).

30. As per claim 28, Srinivasan teaches a method wherein the action has a compensation parameter associated therewith, further comprising selectively compensating the action based on the compensation parameter, a transaction boundary within the schedule, and a state associated with another action within the schedule (See at least figure 9, column 3, lines 10-32, column 5, lines 23-39 and 55-67, column 6, lines 1-6, column 7, lines 55-67, and column 8, lines 1-5, wherein actions are balanced based on their priorities (compensation parameters), the transaction boundary (i.e. total resources), and the status (completion, usage, etc.) of other actions).

31. As per claim 29, Srinivasan teaches a method further comprising selectively compensating a first action according to a transaction boundary within the schedule and a compensation parameter associated with the first action, based on abortion of a second action within the schedule (See at least column 3, lines 10-32, column 5, lines 23-39 and 55-67, column

6, lines 1-6, column 7, lines 55-67, and column 8, lines 1-5, wherein actions are balanced based on their priorities, the transaction boundary (i.e. total resources), and the status (completion or ending, usage, etc.) of other actions).

32. As per claim 30, teaches a method of executing a schedule, the schedule comprising a schedule state, at least one transaction with an action associated therewith, the method comprising:

initializing an action within the schedule (See at least column 2, lines 60-67, column 3, lines 20-32, column 5, lines 20-40 and 53-64, column 6, lines 4-9, column 7, lines 60-67, and column 8, lines 5-15, wherein a schedule with tasks is stored and action associated with a task is initiated);

comparing a latency attribute associated with the action and a latency threshold (See at least column 2, lines 60-67, column 3, lines 5-18, column 5, lines 45-51, column 6, lines 3-15, column 7, lines 15-21 and 55-61, wherein a time attribute of the task is compared with the a default threshold associated with the task to determine the status of the task and if reminders should be sent);

executing the action if the latency attribute does not exceed the latency threshold (See at least figure 6, column 2, lines 60-67, column 3, lines 20-32, column 5, lines 20-40 and 53-64, column 6, lines 4-9, column 7, lines 60-67, and column 8, lines 5-15, wherein the action is executed as normal if the attribute does not exceed the threshold);

dehydrating the schedule if the latency attribute exceeds the latency threshold (See at least figure 6, column 2, lines 60-67, column 3, lines 5-18 and 30-32, column 5, lines 19-40, 45-51, and 62-63, column 6, lines 3-17, column 7, lines 1-4, 15-21, and 55-67, wherein if the

latency attribute is beyond the latency threshold, the schedule is dehydrated by sending a note to members working on the action and changing the schedule based on response).

33. As per claim 31, Srinivasan teaches a method wherein dehydrating the schedule further comprises storing the schedule state to a storage medium, creating a proxy between the stored schedule state and a message, suspending execution of the schedule pending the expected action, and restoring the schedule and resuming execution of the schedule based on receipt of the message (See at least figures 6-9, column 2, lines 60-67, column 3, lines 5-18 and 30-32, column 5, lines 19-40, 45-51, and 62-63, column 6, lines 3-17, column 7, lines 1-4, 15-21, and 55-67, and column 8, lines 10-15, wherein the schedule state is stored in a database, an alternative is created by sending a note to a team member by message that relates to the stored state, the schedules timing and order is on hold awaiting the return of the message, and the schedule is updated and action restored upon receipt of a return message).

34. As per claims 32-36, claims 32-36 are computer-readable medium versions of the method of claims 1-5, respectively. Since the disclosure of Srinivasan is embodied on a computer-readable medium, claims 32-36 are rejected using the same art and rationale as relied upon in the rejection of claims 1-5, respectively.

35. As per claims 38 and 39, claims 38 and 39 are computer-readable medium versions of the method of claims 28 and 29, respectively. Since the disclosure of Srinivasan is embodied on a computer-readable medium, claims 38 and 39 are rejected using the same art and rationale as relied upon in the rejection of claims 28 and 29, respectively.

36. As per claim 40, Srinivasan discloses a method of executing a transaction having an associated transaction boundary and an action, wherein the action has an action state and a compensation parameter associated therewith, the method comprising:

recognizing a transaction boundary associated with the transaction (See at least figure 9, column 3, lines 10-32, column 5, lines 23-39 and 55-67, column 6, lines 1-6, column 7, lines 55-67, and column 8, lines 1-5, wherein a boundary is associated with the transaction, such as total resource usage); and

selectively compensating at least a first action according to the transaction boundary and the compensation parameter based on abortion of a second action (See at least column 3, lines 10-32, column 5, lines 23-39 and 55-67, column 6, lines 1-6, column 7, lines 55-67, and column 8, lines 1-5, wherein actions are balanced based on their priorities, the transaction boundary (i.e. total resources), and the status (completion or ending, usage, etc.) of other actions).

37. As per claim 42, Srinivasan teaches a method further comprising selectively compensating at least a first action according to the transaction boundary and the compensation parameter upon abortion of a second action, and further according to the action state associated with the first action (See at least column 3, lines 10-32, column 5, lines 23-39 and 55-67, column 6, lines 1-6, column 7, lines 55-67, and column 8, lines 1-5, wherein actions are balanced based on their priorities, the transaction boundary (i.e. total resources), the status (completion, usage, etc.) of other actions, and according to the status of the action).

38. As per claim 43, Srinivasan discloses a method further comprising selectively compensating at least a first action according to the transaction boundary and the compensation parameter upon abortion of a second action, if the first action has committed (See at least column

3, lines 10-32, column 5, lines 23-39 and 55-67, column 6, lines 1-6, column 7, lines 55-67, and column 8, lines 1-5, wherein the first action is compensated based on the transaction boundaries, the compensation parameters, and the ending of the second action when the first action has previously been assigned resources).

39. As per claim 45, Srinivasan teaches a method wherein the compensation step further comprises sending a message (See at least figures 8, 9, and 10, column 6, lines 3-18 and 24-35, column 7, lines 55-67, column 8, lines 1-15, wherein messages are sent).

40. As per claim 46, Srinivasan discloses a computer-readable medium having computer-executable instructions for:

executing a schedule, the schedule comprising a schedule state, at least one action, and at least one transaction with an associated transaction boundary, the action including an action state and a compensation parameter associated therewith (See at least figure 9, column 3, lines 10-32, column 5, lines 23-39 and 55-67, column 6, lines 1-6, column 7, lines 55-67, and column 8, lines 1-5, wherein a schedule is executed, the schedule representing a transaction with transaction boundaries, such as total resource usage. The schedule has a schedule state, such as its overall status, and the action has a state, such as its resource usage or its status. The actions are balanced by time and resource based on compensation parameters);

recognizing the transaction boundary within the schedule (See at least figure 9, column 3, lines 10-32, column 5, lines 23-39 and 55-67, column 6, lines 1-6, column 7, lines 55-67, and column 8, lines 1-5, wherein a boundary is associated with the transaction, such as total resource usage); and

selectively compensating at least a first action within the schedule according to a transaction boundary within the schedule, and a compensation parameter associated with the first action based on abortion of a second action (See at least column 3, lines 10-32, column 5, lines 23-39 and 55-67, column 6, lines 1-6, column 7, lines 55-67, and column 8, lines 1-5, wherein actions are balanced based on their priorities, the transaction boundary (i.e. total resources), and the status (completion or ending, usage, etc.) of other actions).

41. As per claims 48-49, claims 48-49 are computer-readable medium versions of the method of claims 42-43, respectively. Since the disclosure of Srinivasan is embodied on a computer-readle medium, claims 48-49 are rejected using the same art and rationale as relied upon in the rejection of claims 42-43, respectively.

42. As per claim 50, Srinivasan discloses a computer-readable medium wherein the at least one action includes a latency attribute, and having further computer-executable instructions for selectively storing the schedule state to a storage medium based on a comparison of the latency attribute with a latency threshold (See at least column 3, lines 20-32, column 5, lines 19-40, 45-50, and 62-63, column 6, lines 4-17, column 7, lines 1-4 and 55-67, which disclose storing data associated with the schedule of the project, including updates, in the database based on the a comparison of a latency attribute and a latency threshold).

43. As per claim 51, Srinivasan teaches a schedule having a schedule state, an action with an associated action state, and at least one transaction with a transaction boundary, a compensation parameter, a compensation routine, and a transaction state associated therewith, a method of selectively compensating the transaction during the execution of a schedule comprising:

determining the action state of an action (See at least column 3, lines 20-32, column 5, lines 19-40, 45-50, and 62-63, column 6, lines 4-17, column 7, lines 1-4 and 55-67, wherein the state of an action is determined and updated);

if the action state is aborted, determining the relationship of the action and the transaction based on a transaction boundary (See at least figure 9, column 3, lines 10-32, column 5, lines 19-39, 45-50, and 55-67, column 6, lines 1-17, column 7, lines 1-4 and 55-67, and column 8, lines 1-5, wherein when the action has ended, the relationship of the action to the overall transaction is determined based on resource usage boundaries);

if the action state is aborted, and if the action and transaction are related according to the transaction boundary, determining the transaction state of the transaction (See at least figure 9, column 3, lines 10-32, column 5, lines 23-39 and 55-67, column 6, lines 1-6, column 7, lines 55-67, and column 8, lines 1-5, wherein if the action and transaction are related and the action has ended, the resource usage for the overall transaction is determined); and

if the action state is aborted and if the action and the transaction are related according to the transaction boundary, and if the transaction state is committed, performing an operation according to the compensation routine associated with the transaction (See at least figure 9, column 3, lines 10-32, column 5, lines 23-39 and 55-67, column 6, lines 1-6, column 7, lines 55-67, and column 8, lines 1-5, wherein actions are balanced based on their priorities, the transaction boundary (i.e. total resources), and the status (completion, usage, etc.) of other actions).

44. As per claim 52, Srinivasan teaches a schedule having a schedule state, first and second transactions with associated transaction boundaries, transactions stated, compensation

parameters, and compensation routines, and first and second actions with associated action states, compensation parameters, and compensation routines, a method of selectively compensating a first action or transaction during the execution of a schedule comprising:

determining the state of one of the second action and the second transaction (See at least column 3, lines 20-32, column 5, lines 19-40, 45-50, and 62-63, column 6, lines 4-17, column 7, lines 1-4 and 55-67, wherein the state of a second action is determined);

if the state of one of the second action and the second transaction is aborted, determining the relationship of the first action and the transaction with the second action and transaction based on a transaction boundary (See at least figure 9, column 3, lines 10-32, column 5, lines 23-39 and 55-67, column 6, lines 1-6, column 7, lines 55-67, and column 8, lines 1-5, wherein the second action is completed, or ended, and the priority relationship between said second action and the overall transaction and the first action and the overall transaction are determined based on the overall transaction boundary (i.e. overall limits on resources));

if the state of one of the second action and the second transaction is aborted, and one of the first action and transaction are related to one of the second action and transaction according to the transaction boundary, determining the state of one of the first action and transaction; and

if the state of one of the second action and the second transaction is aborted and if one of the first action and transaction are related to one of the second action and the transaction according to the transaction boundary, and if the state of one of the first action and transaction is committed, performing an operation according to the compensation routine associated with one of the first action and transaction (See at least figure 9, column 3, lines 10-32, column 5, lines 23-39 and 55-67, column 6, lines 1-6, column 7, lines 55-67, and column 8, lines 1-5, wherein

actions are balanced (when resources have previously been committed to the first action) based on their priorities, the transaction boundary (i.e. total resources), and the status (completion, resource usage, etc.) of other actions).

Claim Rejections - 35 USC § 103

45. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 6, 16, 24, 37, and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Srinivasan (U.S. 5,548,506).

46. As per claims 6 and 16, Srinivasan discloses a method further comprising selectively allocating resources for execution of the schedule based on the signal, and selectively resuming execution of the schedule based on the signal (See column 3, lines 14-32, column 5, lines 62-67, column 6, lines 1-15, column 7, lines 1-3 and 55-67, and column 8, lines 1-5, wherein the latency comparison results in the determination of progress of the action of tasks, which would result in the pausing of the action of tasks and the associated schedule as new completion deadlines are set. An update is an associated signal and resumes execution of the schedule with the updated information). However, Srinivasan does not expressly disclose that these resources are computer system resources.

Srinivasan teaches an automated tool for project management of project schedules with tasks that involve resource usage. Srinivasan also discloses the heavy computing needs of the corporations in at least column 1, lines 40-57. Therefore, it would have been obvious to one of

ordinary skill in the art at the time of the invention to include computer system resources in the resources utilized by Srinivasan in order to more efficiently plan for the projects of corporations by including all the limited resources that would be needed to complete the project, such as computer system usage.

47. As per claim 24, Srinivasan teaches a method wherein the variable is related to resource utilization (See at least figure 9, column 3, lines 10-32, column 5, lines 23-39 and 55-67, column 6, lines 1-6, column 7, lines 55-67, and column 8, lines 1-5, wherein the variable is related to the actual resources used). However, Srinivasan does not expressly disclose that the resource utilization is system resource utilization.

Srinivasan teaches an automated tool for project management of project schedules with tasks that involve resource usage. Srinivasan also discloses the heavy computing needs of the corporations in at least column 1, lines 40-57. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include system resource utilization in the resources utilized by Srinivasan in order to more efficiently plan for the projects of corporations by including all the limited resources that would be needed to complete the project, such as system usage.

48. As per claim 37, claim 37 is a computer-readable medium version of the method of claim 5. Since the disclosure of Srinivasan is embodied on a computer-readable medium, claim 37 is rejected using the same art and rationale as relied upon in the rejection of claim 6.

49. As per claim 44, Srinivasan teaches a method wherein the compensation step further comprises adjusting at least one object (See at least figure 9, column 3, lines 10-32, column 5, lines 23-39 and 55-67, column 6, lines 1-6, column 7, lines 55-67, and column 8, lines 1-5,

wherein at least one object (created action of the group of actions) is adjusted based on compensating using the priorities). However, Srinivasan does not expressly disclose instantiating this instance of the schedule group.

Srinivasan discloses a build file where in the beginning of the project each action of the group is created and stored and later these actions are adjusted by compensating resources that leftover or short. It would have been obvious to one of ordinary skill in the art at the time of the invention to be able to create supplemental actions during the execution of the schedule in order to supplement the originally created schedule in order to more efficiently meet the goals of the project by affording a project manager a way to make up for a fault in an original schedule.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beth Van Doren whose telephone number is (703) 305-3882. The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

bvd

bvd
February 9, 2004

Romain Jeanty
Primary Examiner
Art Unit 3623